

CLOSED SESSION – REGULAR COUNCIL/REDEVELOPMENT AGENCY/COLTON  
UTILITY AUTHORITY CLOSED SESSION MEETING MINUTES

November 17, 2009

Closed Session Meeting was held on the above given date at 5:00 p.m., in the Council Chambers of City Hall, with Mayor Chastain presiding.

CITY COUNCIL ROLL CALL

Councilmembers present: Toro, De La Rosa, Yzaguirre, Bennett, Perez, Mayor Pro Tempore Oliva and Mayor Chastain,

PUBLIC COMMENT:

None.

City Attorney Derleth announced that the City Council would meet in Closed Session to discuss Item A. City Attorney Derleth reported that the City Council unanimously approved a settlement agreement, and that the settlement agreement will be available once it is fully executed.

CLOSED SESSION:

A. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION

Pursuant to Government Code Section 54956.9(a)

Case Name: Jose Fierro Avalos v. City of Colton

Case Number: US District Court - Eastern District (Case # ED CV 06-568 SGL OPx)

Mayor Chastain adjourned the meeting to Closed Session at 5:02 p.m. and at 6:03 p.m.; the meeting reconvened with all members present as heretofore.

City Attorney Derleth reported that the Council did meet and did confer in Closed Session on Item A, below, with reportable action on Item A:

A. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION

Pursuant to Government Code Section 54956.9(a)

Case Name: Jose Fierro Avalos v. City of Colton

Case Number: US District Court - Eastern District (Case # ED CV 06-568 SGL OPx)

CITY OF COLTON  
REGULAR CITY COUNCIL/REDEVELOPMENT AGENCY/COLTON UTILITY  
AUTHORITY MEETING MINUTES

November 17, 2009

Regular Meeting held on the above-given date at 6:03 p.m., in the Council Chambers of City Hall, with Mayor Chastain presiding.

INVOCATION:

Chaplain Pete Tasaka led the invocation.

FLAG SALUTE:

Fire Chief Hendrix led the Pledge of Allegiance.

ROLL CALL:

Members Present:

Mayor Kelly Chastain  
Mayor Pro Tempore Susan Oliva  
Alex Perez  
Deirdre H. Bennett  
Vincent Yzaguirre  
Richard A. De La Rosa  
Dave Toro

Staff Present:

Bob Miller, Interim City Manager  
Dean Derleth, City Attorney  
Eileen C. Gomez, City Clerk

With no objection from the Council, Mayor Chastain requested that Item No. 5 and Item No. 16 to be brought forward after ceremonial matters.

CEREMONIAL MATTERS:

*Presentations, Awards, Proclamations*

- Presentation - James Thalman Award Recipient Mayor Kelly Chastain, presented by League of CA Cities Inland Empire Division President Dennis Michael  
***PULLED TO NEXT COUNCIL MEETING.***
- Presentation: Deb Farrar recognized the Tree Lighting Committee & Sponsor Recognition Frank Navarro and Gary Grossich, Abby Flores, Yvonne Flores, Leno Moreno, and Dan Flores, not present Patrick O'Brien and Michelle Kapisinski.  
Tree Topper Sponsors, Ashley Furniture, Colton Disposal  
Santas Helper – Hermosa Cemetery  
Stocking Stuffer – Fiesta Village, USA Carwash, 6<sup>th</sup> Street Deli  
December 7, 2009 Christmas Tree Lighting

Consent Calendar:

- (5) Policy for Naming Parks & Community Facilities -- Recommend to Approve and Adopt a Resolution Amending Resolution R-108-03, Regarding City Policy for the Naming of City Parks, Park Features, and Community Facilities, RESOLUTION NO.R-86-09.

Motion/second by CM De La Rosa/Yzaguirre to approve and adopt Resolution No. R-86-09.  
Unanimous.

### CITY MANAGER'S WRITTEN REPORTS AND RECOMMENDATIONS:

Approve and Adopt a Resolution Attaching the name "Art Thompson Teen Center" to the new Colton Teen Center facility, RESOLUTION NO. R-90-09.

Fire Chief Hendrix and Police Chief Miller acknowledged Mr. Art Thompson and his contributions to the City of Colton. Mrs. Thompson read and presented a picture to hang in the Teen Center.

Motion/second by CM Toro/Oliva to approve and adopt Resolution No. R-90-09. Unanimous Vote.

### MAYOR AND COUNCIL ITEMS:

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF NOVEMBER 17, 2009.

Mayor Chastain asked the members present if there were any agenda items that were a conflict of interest pursuant to CMC Section 2.04.030. None.

### AB 1234 ORAL REPORTS:

None.

### APPOINTMENTS:

*City Commissions & Committees; Regional Boards & Committees*

### PUBLIC COMMENT:

The following citizens addressed the council: Laura Morales, Rebecca Smith, Pete Carrasco, Linda Tripp, James Downs, Paulina Shiaretti, Daryl Fisher, David Zamora, Deanna Espinoza, Cindy Carrion, Gary Grossich, Fabian Carballo, Elsa Aguilar, John Anaya, Tom Ramsey, Ron Bengoshay, Christine Irish-Rey, Melissa Prado, Giovanni Galindo, Robert Armando, Jay Linberg, Alexis Saucedo, Eleanor Herrera, Tony Morales, Camila Herrera, Sam Caulder, and Jose Olivar.

### **MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS:**

- |   |   |
|---|---|
| • Acknowledged public concerns and comments         | • Internal Audit  |
| • Acknowledged public concerns with Library closure | • Suggestion to give up car allowance   |
| • Condolences to the family of Art Thompson         | • Suggestions for savings   |
| • Condolences to the family of Randy Oliva          | • Invitation to Parks & Recreation Committee Meeting to support facility naming in honor of Connie Cisneros |

- Acknowledged incoming City Manager Rod Foster
- Acknowledged Gary Grossich and Frank Navarro for Tree Lighting contributions.
- Acknowledged employees who were recently laid off
- Acknowledged Police Chief Miller
- Suggested closing meeting in honor of Art Thompson and Randy Oliva
- Veterans Day Parade

### RECESS:

At 8:40 p.m. Mayor Pro Tempore Chastain announced a recess and at 9:00 p.m. the meeting was reconvened with all members present heretofore.

### Appeal – Comfort Inn Suites

This was the Time And Place Fixed To Consider An Appeal To The City Council Regarding The Planning Commission's Decision To Deny Modification Of File Index Number Dap-000-873 (Comfort Inn Suites), A Request To Modify The Original Conditions Of Approval (Ref: Dap-000-741 & Dap-000-391) To Permit Refacing Of An Existing Legal Non-Conforming 119' Freeway Oriented Pole Sign On Property Located At 450 Sperry Drive (Comfort Inn Suites).

Mayor Chastain declared the Public Hearing Open.

City Clerk Gomez announced that the Affidavit of Publication for the public hearing was on file in the City Clerk's office and no protests or objections have been received.

Assistant City Manager Nuaimi presented an overview of the agenda item and requested approval of staff's recommendation.

### PUBLIC COMMENT:

The following citizens addressed the council:

Dan Scherneck, spoke in favor of the appeal.  
 Bob Johnson, spoke in favor of the appeal.  
 Christina Irish-Reye, spoke against the appeal.  
 Patel, spoke in favor of the appeal.  
 Jose Olivar, spoke in favor of the appeal.

Motion/second by CM Yzaguirre/Mayor Pro Tempore Oliva to close the public hearing.  
 Unanimous vote.

Motion/second by CM Yzaguirre/Bennett to approve permit with direction to staff to look into revising this provision to amend and allow the addition of the City's name on the sign without

affecting the non conformity status, it would also easily be retroactive to apply to this appeal.  
Unanimous vote

### **CITY MANAGER ORAL REPORTS:**

Interim City Manager Miller commented on the following: None

### **CONSENT CALENDAR:**

Interim City Manager Miller presented Consent Calendar Items No. (s) 2 thru 14 for consideration and approval, pulling Item 4, 10, 11 and 14 for separate vote, minus Item No. 5 which was voted upon earlier.

Motion/second by CM De La Rosa/Perez to approve Consent Calendar Items 2 thru 14, pulling Item 4, 10, 11 and 14 for separate vote, minus Item No. 5 which was voted upon earlier.

. Unanimous vote.

- (2) Minutes – Approval of Minutes for the City Council Special Meeting Held October 27, 2009; Minutes for the City Council Special Meeting Held October 28, 2009; Minutes for the City Council Regular Meeting Held November 3, 2009; Minutes for the City Council Special Meeting Held November 10, 2009, on File in the Office of the City Clerk.
- (3) Warrants – Approval of Payable Warrants #111262 to #111400, Dated 10/15/09, Totaling \$443,439.52; Approval of Payable Warrants #111401 to #111556, Dated 10/22/09, Totaling \$1,381,919.84; Approval of Payable Warrants #111557 to #111708, Dated 10/29/09, Totaling \$2,918,856.38; Payroll Disbursement Listing for 10/17/09 to 10/30/09, Totaling \$827,379.36, on File in the Finance Department.
- (4) Side Letter/Colton Firefighters Association MOU - Recommend Approval of Side Letter to MOU between the City of Colton and the Colton Firefighters Association.

Motion/second by CM Yzaguirre/De La Rosa. Unanimous vote.

- (5) Policy for Naming Parks & Community Facilities – Recommend to Approve and Adopt a Resolution Amending Resolution R-108-03, Regarding City Policy for the Naming of City Parks, Park Features, and Community Facilities, RESOLUTION NO.R-86-09. ***PULLED FROM ORDER FOR SEPARATE VOTE AFTER CEREMONIAL MATTERS.***
- (6) MOU - Memorandum of Understanding between the San Bernardino County Sheriff's Department and the City of Colton regarding the 25 Campaign and Awareness Program and Approve and Adopt a Resolution Amending the Budget for Fiscal Year Commencing July 1, 2009 and Ending June 30, 2010, RESOLUTION NO. R-88-09.
- (7) MOU/Geothermal Agreement – Approve Memorandum of Understanding on Imperial Valley Geothermal Feasibility and Exploration Among the Cities of Los Angeles,

Glendale, Burbank, Pasadena, Colton, the Imperial Irrigation District (IDD), and the Southern California Public Power Authority.

- (8) Energy Efficiency and Conservation Block Grant – Approve and Accept the Energy Efficiency and Conservation Block Grant and Approve and Adopt a Resolution Adjusting Budget for Fiscal Year 2009-2010 to Reflect Grant Acceptance of \$485,400, RESOLUTION NO. R-89-09.
- (9) Change Order/R Moody Construction - Approve Change Order No. 1 in the Amount of \$3,415.00 to R Moody Construction, Inc. and Authorize Recordation of a Notice of Completion for the PD Record Room Addition Project.
- (10) Third Amendment to Professional Services Agreement with Hogle-Ireland – Approval to allow City Manager to Execute a Third Amendment to an Existing Professional Services Agreement with Hogle-Ireland to provide Additional Land and Development Consulting Services in an Amount Not To Exceed \$367,150 and Approval of Additional Scope of Work.

Motion/second by CM De La Rosa/Yzaguirre. Motion carried with CM Bennett voting “NO”.

- (11) Award of Contract/Various CDBG Projects - Authorize the Award of Construction Contract to the Lowest Responsible Bidder, International Pavement Solutions, Inc., in the Amount of \$229,689.50 for the (1) Various CDBG Street Improvement/Alley Paving Project and (2) Bostick Ave/Litton Ave. Street Improvement Project.

Motion/second by Mayor Pro Tempore Oliva/CM Yzaguirre. Motion carried with CM De La Rosa abstaining as he owns property within 500 ft of the project.

- (12) Agreement/City of Rialto - Approve Agreement with City of Rialto for the Maintenance of Traffic Signal at the Following Intersections Along Riverside Avenue: (1) Agua Mansa Road, (2) U.S Express Way, and (3) Miguel Bustamante Parkway.
- (13) Tract 18250 - Authorization Reduction of the Performance Bond with Headlands Realty Corporation for Subdivision Improvements for Tract 18250 by Seventy Percent.
- (14) Amendment/CV Strategies - Approve First Amendment in the Reduced Amount of \$13,725.35 to CV Strategies for the Completion of Strategic Communications Services Project.

PUBLIC COMMENT:

The following citizens addressed the council: Ron Lawrence and Gary Grossich.

Motion/second by CM Yzaguirre/Perez. Motion carried with CM Toro/De La Rosa/Bennett voting “NO”.

**CITY TREASURER'S REPORTS:**

Receive and File City Treasurer's Report for September 2009. **PULLED TO NEXT REGULAR COUNCIL MEETING.**

**STAFF REPORTS:**

**CITY MANAGER'S WRITTEN REPORTS AND RECOMMENDATIONS:**

Approve and Adopt a Resolution Attaching the name "Art Thompson Teen Center" to the new Colton Teen Center facility, **RESOLUTION NO. R-90-09. PULLED FROM ORDER FOR SEPARATE VOTE AFTER CEREMONIAL MATTERS.**

**CITY ATTORNEY'S WRITTEN REPORTS AND RECOMMENDATIONS:**

**ADJOURNMENT:**

At 10:35 p.m., Mayor Chastain declared the Regular Meeting adjourned in memory of Art Thompson and Randy Oliva.



Olivia R. Flores, CMC  
Chief Deputy City Clerk